

Remarks

Reconsideration of this Application is respectfully requested.

Claims 1, 7, 8, 10, 13, and 16 are sought to be amended. Claims 1-16 are pending in the application, with 1, 7, 10, 13, and 16 being the independent claims. No new matter has been entered by any amendments.

Based on the above amendment and following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Rejections under 35 U.S.C. § 103(a)

Although the examiner only lists claims 1-6, 8-9, and 11-15 as being rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,794,011 to Paul et al. ("Paul") in view of U.S. Patent No. 6,553,375 to Huang et al. ("Huang"), Applicants will assume the Examiner meant to reject claims 1-16. Also, there is no stated rejection of claim 15. Applicants assume that the assertion that claim 6 was unpatentable was also meant to include claim 15. However, Applicants traverse all these rejections and respectfully request that the Examiner reconsider and withdraw the rejections.

Independent claims 1, 7, 10, 13, and 16 now all positively recite that the client applies the portion of the control logic to make the set of modifications accelerate a processing speed of the application.

Paul teaches of limiting processing speed or percentage run time of one or more applications to ensure that an overall system is balanced, similar to what is discussed as being conventional in the Background section of the instant application. Specifically, in the abstract Paul teaches using a performance regulation program to limit the individual application's parameters to ensure that applications are not overloaded by excessive performance. Thus, Paul teaches away from the claimed invention because it is concerned with setting a maximum or peak performance level at which an application can operate, not accelerating a processing speed of one or more applications, as is recited in claims 1, 7, 10, 13 and 16. Huang is used merely to show conventional application distribution systems and methods, and does not cure the deficiencies in Paul.

Therefore, Paul and Huang, either taken alone or in an asserted obvious combination, lack at least that the client applying the portion of the control logic to make the set of modifications accelerate a processing speed of the application. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejections. Also, at least based on their respective dependencies, claims 2-6, 8-9, 11-12, and 14-15 should also be found allowable over the applied patents.

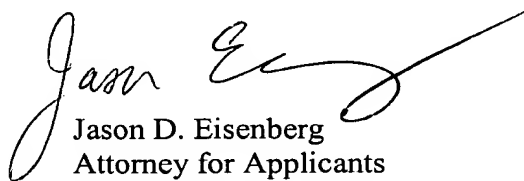
Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.


Jason D. Eisenberg
Attorney for Applicants
Registration No. 43,447

Date: 1/3/04

1100 New York Avenue, N.W.
Suite 600
Washington, D.C. 20005-3934
(202) 371-2600
SKGF_DC1: 216952v1